

# Commonwealth of Massachusetts

SUFFOLK, ss.



SUPERIOR COURT DEPARTMENT  
OF THE TRIAL COURT  
CIVIL ACTION

No. 04-5291  
Champion Mortgage,  
a division of Key Bank, USA National Association  
\_\_\_\_\_, Plaintiff(s)

v.

Francisco DePina, Defendant(s)

## SUMMONS

To the above-named Defendant:

You are hereby summoned and required to serve upon Edward P. McCarthy  
Rosen & McCarthy, LLP

plaintiff's attorney, whose address is 4 Whittier Road, Natick, MA 01760, an answer to the complaint which is herewith served upon you, within 20 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. You are also required to file your answer to the complaint in the office of the Clerk of this court at Boston either before service upon plaintiff's attorney or within a reasonable time thereafter.

Unless otherwise provided by Rule 13(a), your answer must state as a counterclaim any claim which you may have against the plaintiff which arises out of the transaction or occurrence that is the subject matter of the plaintiff's claim or you will thereafter be barred from making such claim in any other action.

Witness, Barbara J. Rouse, Esquire, at Boston, the 5th day of  
January, in the year of our Lord two thousand Five.

*Michael Joseph Donovan*  
Clerk/Magistrate

### NOTES:

1. This summons is issued pursuant to Rule 4 of the Massachusetts Rules of Civil Procedure.
2. When more than one defendant is involved, the names of all defendants should appear in the caption. If a separate summons is used for each defendant, each should be addressed to the particular defendant.



**Suffolk County Sheriff's Department** • 45 Bromfield Street • Boston, MA 02108 • (617) 989-6999  
January 18, 2005

Suffolk, ss.

I hereby certify and return that on 1/10/2005 at 7:10AM I served a true and attested copy of the Summons and Complaint in this action in the following manner: To wit, by leaving at the last and usual place of abode of Francisco DePina, , 282 Walnut Street, #3, Boston, MA 02108. Basic Service Fee (LU) (\$20.00), Travel (\$1.00), Postage and Handling (\$1.00), Attest/Copies (\$5.00) Total Charges \$27.00

Deputy Sheriff George Slyva

\_\_\_\_\_  
Deputy Sheriff

**N.B. TO PROCESS SERVER:--**

PLEASE PLACE **DATE** YOU MAKE SERVICE ON DEFENDANT IN THIS BOX ON THE ORIGINAL AND ON COPY SERVED ON DEFENDANT.

\_\_\_\_\_, 200 .

**Commonwealth of Massachusetts**

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Champion Mortgage \_\_\_\_\_, Plff(s).

v.

Francisco DePina \_\_\_\_\_, Deft(s).

SUMMONS

(Mass. R. Civ. P. 4)

(AFFIX FILING STAMP HERE)

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